1 floor

(1) (3)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 4038 /2004

PETITIONER

Mohd. Salim Siddique,
S/o. Late Shri Abdul Razzaque,
Aged about 35 years,
Occupation - service,
Presently working as Tracer, Office of the Collector, Land Records, Rajnandgaon,
R/o. Balgovind Chowk,
Rajnandgaon,
Dist.Rajnandgaon(C.G).

P.R. No. 4096 for
Presented by Shri Smt. Reena Dubey
dated 26/X/04

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Department of Revenue, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Commissioner, Land Records, Raipur (C.G)

3. Collector, Land Records, Raipur (C.G)

4. N.K. Lala,
S/o. Shri Ravindra Kumar,
Aged about 40 years,
Tracer, Office of the Collector, Land Records, Raipur,
R/o. Jamatpara,
Rajnandgaon (C.G.)

RECEIVED COPY
26/X/04
Clerk to A.G. Bilaspur

Affesk
AR(H) 12/11/04

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS

The petitioner, above named, most humbly and respectfully submits as under :-

1 Floor

(1) (3)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 4038 /2004

PETITIONER

P.R. No. 4036/04
Presented by Shri Sanjay Agrawal D.
dated 26/X/04

RESPONDENTS

RECEIVED COPY
26/X/04
Clerk to A.G. Bilaspur

24/10/04

5. Ashok Sharma, Chairman
Chhattisgarh State Civil Supplies
Corporation Limited,
Raipur (C.G.).

H<57-1
AR(L) 12/04

Amended as per
Court order
30/11/04
DDL
01/12/04

WRIT PETITION UNDER A
OF INDIA FOR ISSUANC
CERTIORARI, MANDAMUS,
SUITABLE WRIT OR WRITS
DIRECTIONS

The petitioner,

respectfully submits as

(238)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 4038 of 2004

Petitioner : Mohd. Salim Siddique

Versus

Respondents : State of Chhattisgarh & Others

Smt. Fouzia Mirza, Advocate for the petitioner.
Smt. Anju Ahuja, Dy. Govt. Advocate for the State/respondents No.1 to 3.
Shri N.K. Vyas, Advocate for respondent No.4.
Shri Abhishek Sharma, Advocate for respondent No.5.

ORAL ORDER

(27th July, 2006)

1. The petitioner Shri Mohd. Salim Siddique, Tracer, Office of the Collector, Land Records, Rajnandgaon, was transferred to the office of the Collector, Land Records, Dantewada, by impugned order dated 18-10-2004 (Annexure-P/1) on the ground of administrative exigency.

2. The petitioner has filed this petition impugning the order dated 18-10-2004 (Annexure-P/1) on the ground that this order was passed in exercise of mala fide power on the basis of letter dated 13-7-2004 (Annexure-P/2) written by one Shri Ashok Sharma (respondent No.5).

3. I have heard learned counsel for the parties and examined the note sheet submitted by the learned counsel appearing for the State, the same was shown to the learned counsel appearing for the petitioner also. Upon perusal of the note sheet, it is evident that the process of transfer of the petitioner started on 10-2-2004

~~which~~ and culminated into transfer of the petitioner by order dated 18-10-2004 (Annexure-P/1). The transfer was not made at the instance of respondent No.5 who might have written a letter on 13-7-2004. It is evident that the impugned transfer order was passed not on the basis proved mala fide, but due to administrative exigency in public interest.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee is to be posted in the interest of administration and public. This Court has limited jurisdiction to interfere in transfer matters and this Court can interfere only in the case of proved mala fide, non-competence of the authority passing the transfer order, and order not being in conformity with the rules and regulations.

5. At this stage, learned counsel appearing for the petitioner seeks permission of this Court to make a representation to the respondent State for consideration of the petitioner's case.

6. In view of the above, the petition is dismissed with the above stated liberty. No order as to costs.

7. Consequently, I.A.No.5817/2006 stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

GOWRI